

**INCLUSION OF INFORMER REWARD AUTHORITY IN PROPOSED
LEGISLATION TO AMEND TITLE 18, UNITED STATES CODE, TO
PROVIDE PENALTIES FOR THE ASSASSINATION OF THE PRESIDENT
OR THE VICE PRESIDENT AND FOR OTHER PURPOSES**

Statutory precedent for separate legislation or for inclusion of appropriate informer reward authority in the proposed bill to amend Title 18, United States Code, to provide penalties for the assassination of the President or the Vice President and for other purposes, is based in the common law and found in federal statutes relating, among others, to atomic energy, fugitives from justice, collection of customs, and internal revenue.

Regarding the common law, it is noted by Richard C. Donnelly, Associate Professor of Law, Yale Law School, at page 1091 of the Yale Law Journal of November 1951, that law enforcement authorities have utilized informers from very early times. The value of informers in ferreting out crime was specifically recognized in the ancient practice of English medieval law called approvement. Being arraigned on a charge of treason or felony, the approver confessed his guilt and offered to appeal and convict other criminals called the appellees in order to obtain a pardon. If the appellees were found guilty, the approver was then pardoned. The approver was hanged, however, if the appellees were acquitted. During

this period, there was no organized police force, and except in the central courts, the administration of justice was in the hands of amateurs whose probity was not infrequently open to suspicion. To create public interest in law enforcement, a common expedient was the statutory informers suit, which gave any member of the public the right to sue for the penalty imposed for statutory violations and to retain a part of the penalties or forfeitures recovered. The number of these statutes was large, and they greatly increased through the 16th and 17th centuries as a technique for implementing the economic and commercial policy of the times. Even though the informers suit was also subject to many abuses, it has survived almost without change to the present day. Provisions for awarding informers a share of fines or forfeitures are found, among others, in 21 U.S.C. 183 (1914), narcotics; 31 U.S.C. 231-2 (1863), frauds on government; 46 U.S.C. 1352-6 (1909), vessels in slave trade; 25 U.S.C. 201 (1946) and 18 U.S.C. 3113 (1951), protection of Indians; and 26 U.S.C. 7265 (1954), cotton futures tax.

The more recent policy which is expressed in much of today's legislation is to require all fines and penalties to be paid into the Treasury and then to award informers just and reasonable compensation not to exceed a specified amount. 19 U.S.C. 527 (1907), tariff-fines and receipts covered into Treasury; 19 U.S.C. 1619 (1930), tariff-customs duties. Under the latter authority, which is a section of the Tariff Act of 1930, as amended,

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the Secretary of Treasury may make an award not to exceed 25 per cent of the net fines, penalties, or forfeitures recovered, which is paid out of any appropriations available for the collection of the revenue from customs, to any person not an officer of the United States who furnished to designated persons original information concerning violation of the customs or navigation laws.

Under the Internal Revenue Code of 1954, 26 U.S.C. 7623, the Commissioner may pay a reward for information leading to the detection and punishment of persons who are guilty of violating the internal revenue laws or conniving to do so. These rewards are limited in their aggregate to the amount appropriated therefor and the Commissioner or person to whom authority is delegated is the sole judge as to whether the reward should be paid and the amount thereof. Such awards are payable to any person other than present or former employees of the Department of Treasury.

With regard to cotton futures tax violations, 26 U.S.C. 4874 and 7493 provide immunity from prosecution for witnesses whose evidence is deemed material by the officer prosecuting on behalf of the United States for any offense to which the witness's testimony relates.

Under the Atomic Weapons Rewards Act of 1955, 50 U.S.C. 47a, an awards board, consisting of the Secretary of Treasury (Chairman), Secretary of Defense, the Attorney General, the Director of Central

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Intelligence, and a Member designated by the Atomic Energy Commissioners, may grant rewards to any person who furnishes original information to the United States, in an amount not to exceed \$500,000, those above \$50,000 to be approved by the President. Where information leading to award is furnished by an alien, the Secretary of State, the Attorney General, and the Director of Central Intelligence, acting jointly, may determine that the entry of such alien and the members of his immediate family for permanent residence is in the public interest. No limitation with regard to possible awards to officers or employees of the United States is set forth in the Act. The awards are to be made for information leading to finding or acquisition of any special nuclear material or atomic weapon introduced into or manufactured or acquired within the United States contrary to law, or attempts to do any of the acts specified.

Under 18 U.S.C. 3059, there is authorized to be appropriated the sum of \$25,000 as a reward or rewards to be expended in the discretion of the Attorney General for the capture of anyone who is charged with violation of the criminal laws of the United States or any state or of the District of Columbia and an equal amount for rewards for information leading to the arrest of any such person. Payment of the rewards is limited to moneys appropriated therefor and to the expenditure of not more than \$25,000 for information or capture of any one person. No reward may be paid to any official or member of the Department of Justice.

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Legislation similar in nature to the Atomic Weapons Reward Act of 1955 is recommended, to induce individuals, both in the United States and abroad, to furnish information bearing on presidential security by the offer of a substantial reward and preferential treatment. It is believed that such authority properly publicized could represent a significant inducement even to staff officers and personnel of secret associations and state security organs abroad who are charged with assassination and sabotage. This, together with information previously stated elsewhere, that such personnel and police state apparatuses have expressed and, in certain cases, acted upon their resignation for such work and for a political system which requires assassination type duties to be performed, could tip the balance and prevent the successful completion of an attempt on the life or person of the President.

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